



Dave Heineman
Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

January 29, 2010

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, January 29, 2010 at 9:30 AM in Lower Level Conference Room F of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Legal notice of the meeting was published January 15, 2010 in the Lincoln Journal Star.

As amended by LB 898, 2005 Legislature, a copy of the Nebraska Open Meetings Act was available for public review.

I. CALL TO ORDER

The meeting was called to order at 9:33 AM by Acting Chairman John Freudenberg. The following members were **in attendance**: Acting Chair John Freudenberg, Candice Batton, James Bogner, Bill Brueggemann, Alex Hayes, Bob Houston, Gary Lacey, Kathy Moore (arrived at 9:50 AM), Don Overman, Richard Pierce, Brenda Smith, Bryan Tuma, Derek Vaughn and William White. **Members excused**: Scot Ford, Mike Moser and Fred Ruiz. **Staff present**: Michael Behm, William Muldoon, David Stolz, Bruce Ayers, Michael Overton, Jennifer Kirkpatrick, Monica Miles-Steffens, Tiffany Mullison, Lisa Stamm and Sarah Schoen.

II. INTRODUCTION OF NEW BOARD MEMBERS

Chairman Freudenberg next introduced and welcomed the following new members to the Board:

- Dr. Candace Batton is an Associate Professor and Director with the School of Criminology and Criminal Justice at UNO and replaced Susan Jacobs on the Board.
- Richard Pierce is a Buffalo County Supervisor and replaced Scott Arnold on the Board.
- Brenda Smith is a college instructor with Metropolitan Community College and is a retired police commander from the Omaha Police Department. She replaced James Riskowski on the Board.
- James Bogner is the Police Standards Advisory Council's new chairman and replaced Mark Montgomery on the Board.
- Chief Alex Hayes was officially appointed the Chief of Police of the Omaha Police Department and replaced Eric Buske on the Board.

III. APPROVAL OF MINUTES

Motion

A motion was made by Overman and seconded by White to approve the minutes of the Crime Commission meeting of November 20, 2009; Nebraska Coalition for Juvenile Justice meeting of December 4, 2009; and the Police Standards Advisory Council meeting of October 21, 2009. The motion passed unanimously by acclamation.

IV. EXECUTIVE DIRECTOR'S REPORT

Mike Behm presented his Executive Director's report noting the following:

- He thanked Scott Arnold, Susan Jacobs and James Riskowski for their years of service on the Crime Commission Board. He asked the Board's opinion on sending each of these individuals something as a token of appreciation for their years of service. It was decided this would be a good idea, and it was left in Behm's hands to carry out this task.
- He next reported that the Attorney General's Office, Crime Commission and David Stolz (Agency Counsel) developed the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing form. He stated that this form allows the individual to voluntarily surrender his/her law enforcement certificate in the State of Nebraska and voluntarily waive his/her right to notice, appearance and hearing prior to such revocation action being taken. He noted that there has been success with three individuals to date by utilizing this new process.
- He testified in support of LB 844 (Lautenbaugh) to remove the language which requires tuition charges effective January 1, 2011.
- He also testified in opposition to LB 784 (Lauden) which allows non US citizens who are legal residents of the US and actively seeking citizenship to attend the Law Enforcement Academy for certification.
- On January 27, 2010, he testified before the Appropriations Committee regarding agency deficit.

V. OLD BUSINESS

A. Update on Review of Crime Commission Grant Management Operating Instructions

Behm reported that Jennifer Kirkpatrick, Monica Miles-Steffens, Bruce Ayers and he had met twice since the November Board meeting to review Operating Instruction #10. He stated they have completed reviews of Section 1-9 of this OI; however, they still have four sections remaining. Their next review meeting was scheduled for

February 4th, and they hope to complete the review process and have the revisions ready to present at the May Board meeting.

VI. NEW BUSINESS

A. Nebraska Law Enforcement Training Center

1. Instructor Certifications

The Crime Commission next considered two requests for **Professional Instructor Certification**. The Police Standards Advisory Council's recommendations were reported by James Bogner.

Motion

A motion was made by Hayes and seconded by Tuma to grant the following instructor certifications per Police Standards Advisory Council's recommendations: Professional Instructor Certification to Jacob J. Ritonya, Omaha Police Department and Kevin M. Willis, Washington County Sheriff's Office. Voting in favor of the motion: Batton, Bogner, Brueggemann, Hayes, Houston, Lacey, Overman, Pierce, Smith, Tuma, Vaughn and White. Motion carried unanimously.

B. Volunteers (2) from Board to Serve on the Crime Victims Reparation (CVR) Committee

Because of the recent changes to the Board, two openings were available on the Crime Victims Reparation (CVR) Committee. As a result, the Board was asked for two volunteers to fill these vacancies.

Candice Batton and Brenda Smith volunteered to serve on this Committee.

C. 2009 JABG Fund Recommendation from the NCJJ for \$38,352 for Web Based Juvenile Diversion Case Management Information System [09-JA-600]

Tiffany Mullison reported that the Juvenile Diversion Web Based Case Management System has been on the Juvenile Justice Coalition's (NCJJ) agenda for several years. She stated that this 2009 JABG grant will allow them to move forward. She informed the Board that it will be a great advantage for juvenile diversion providers across the state because their current system, which is Access based, has no ability for a diversion provider in one county to see if a youth has ever received diversion services in another county. This new system will be live and will allow information sharing across the state. Memorandums of Understanding (MOUs) were developed for all County attorneys.

Motion

A motion was made by Lacey and seconded by Vaughn to accept the Coalition's recommendation for the \$38,352 for Web Based Juvenile Diversion Case Management

Information System [09-JA-600] of 2009 JABG funds. Voting in favor of the motion: Batton, Bogner, Brueggemann, Hayes, Houston, Lacey, Overman, Pierce, Smith, Tuma, Vaughn and White. Motion carried unanimously.

D. 2009/2010 Juvenile Services Reduction

Mullison next reported that due to the special legislative session, they were asked to reduce the juvenile services budget, which is state dollars, \$42,957. In order to accomplish this reduction, Mullison reported that they reduced funding to seven programs by 8% and also reduced the Juvenile Detention Alternatives Initiative (JDAI) by 38%. The subgrantees who were asked to reduce their budget have submitted all the proper paperwork indicating how they will re-adjust.

E. NCJJ FY 2008/2009 Annual Report to the Governor and Nebraska Legislature

Chairman Freudenberg informed the Board that the Nebraska Coalition for Juvenile Justice's FY 2008/2009 Annual Report to the Governor and Nebraska Legislature would be presented to the Governor on February 4, 2010.

F. Update on Withdrawn Grantee for Title II Grant Funds

Mullison stated that the Commission approved \$2,823 towards the application which would serve Winnebago youth. The Winnebago Tribe elected to withdraw from receiving funds from this particular funding cycle. Mullison reported that she does not believe this will be a recurring event.

Lacey asked about the possibility of waiving reporting requirements for grants under \$5,000.

Chairman Freudenberg stated that federal guidelines will not allow this to take place, and this was backed up by other members of the Board.

G. Update on VAWA Advisory Membership Changes

Lisa Stamm informed the Board that the following two members are leaving the VAWA Advisory Council this year:

- Tom Hunter is retiring after serving approximately five years on the Council and is also retiring from his position of 17 years as the Victim Witness Director in Scottsbluff.
- Judy Priest is the second member who is leaving the Council as she is no longer employed by SASA.

Stamm reported that the following are the two new members on the Council:

- Veronica Oxford-Jones, Community Educator and Public Policy Director of YWCA Omaha.

- Darlene Lee, Executive Director of Tribal Affairs for the Ponca Tribe of Nebraska.

H. Update on Proposal for Remaining ARRA VOCA Funds

Stamm next reported that at the November Board meeting it was discussed that the Nebraska State Patrol was considering the option of initiating two victim witness units in unmet areas of the state with the remaining VOCA ARRA funds. The State Patrol recognizes the need for victim services in those unmet regions of the state; however, after much discussion, it was determined they were not able to hire the staff the project would require to manage the grant funds at this time. If at some point in the future they are in a position to undertake a project of this nature, they would be open to discussion at that time.

Stamm went on to say that keeping in mind the priority to serve rural communities and the state of Nebraska, the Crime Commission has proposed, to the Nebraska Attorney General's Office (AGO), to use the remaining funds to initiate a pilot, statewide victims of crime advocate position within the AGO. The purpose of this position is to ensure the state of Nebraska is covered by a VOCA Advocate, especially in the unmet regions of the state. This position will also provide direct services to victims of crime. Once a determination is made as to whether or not the AGO feels they can take on this position, the Board will be notified of the final outcome.

I. Information Share on State Victim's Academy

Stamm reported that as mentioned at the November Board meeting, the Nebraska Coalition for Victims of Crime, the United States Attorney General's Office and the Crime Commission has been exploring the idea of a State Victims Assistance Academy for Nebraska. She stated that at this time, the Crime Commission is unable to write a letter of support for such an academy. The Crime Commission looked into the financial aspects and determined there were fiscal concerns due to the statewide budget constraints which would not allow us to move forward. She stated that the Crime Commission is not able to commit the administrative dollars needed in the future for this project. In addition, she said they are still waiting on federal clarification as to whether or not the requirement of VOCA subgrantees to attend the academy would fulfill the Crime Commission's post VOCA requirement at the end of the three year funding period from OVC.

Stamm informed the Board that the next steps in relation to the academy will be to obtain support and motivation from the field of victim service providers throughout the state of Nebraska. A survey will be administered to gather feedback from VOCA subgrantees and victim service providers looking for their thoughts on requiring VOCA subgrantees to attend this academy as a contingency to receive their funding and to write this particular type of training into their budgets.

Stamm also stated they are seeking feedback on the location of the academy, as well as feedback on the academic partner. The survey will be shared with the steering committee prior to distribution, and the results will be shared upon completion.

In addition to the survey, Stamm noted they plan to hold several community forums throughout the state to educate on the primary purpose of the academy and its benefits to victim service providers.

She stated the Crime Commission has not ruled out the idea of developing an academy; however, additional time is needed to ensure proper state representation and financial obligations are met.

It was recommended to perhaps include a portion of this training at the annual LECC conference. However, this would have to be clarified at the federal level as to whether or not this could be a possibility.

J. Update on Strategy for Remaining Funds with ARRA JAG and ARRA VAWA

Monica Miles-Steffens reported that the ARRA JAG program's funding period does not end until February 2013. As a result, Jennifer Kirkpatrick and Miles-Steffens are working together in conjunction with the National Criminal Justice Association to secure technical assistance for our agency and the state in order to do some strategic planning around our JAG program, what can be done with our priority areas and how to enhance these areas in a way that will entice people to apply for the ARRA funds. She stated they hope to re-announce these funds in late summer in order to have a January 1, 2011 start date.

Miles-Steffens also reported that she met with the SNARE Task Force who had submitted training applications that were recommended for denial to discuss various options. One option is being looked at via a meeting with the Nebraska Law Enforcement Training Center (NLETC) regarding possibly providing future trainings at the NLETC.

Miles-Steffens next proposed that the remaining ARRA VAWA funds be awarded to the Nebraska Lawyers Foundation: Volunteer Lawyer Project. This program will assist victims of domestic violence with various civil legal matters and utilizes bilingual part-time intake coordinators across the state to accept client calls through a toll free line. The coordinator assesses eligibility for services and the places the case with an attorney in the victim's geographic area. The attorneys who are used for this program are all trained by the Domestic Violence/Sexual Assault Coalition. The proposed award amount is \$76,475 which provides for the attorney representation (\$50/hr) and \$30 per case for litigation expenses, travel and interpreter expenses. This program is a statewide network and is able to reach rural areas, serve undocumented victims and utilize bilingual staff and interpreters to meet other underserved population.

Motion

A motion was made by Smith and seconded by White to support the proposed application for \$76,475 of ARRA VAWA funds be awarded to the Nebraska Lawyers Foundation: Volunteer Lawyer Project. Voting in favor of the motion: Batton, Bogner, Brueggemann, Hayes, Houston, Lacey, Moore, Overman, Pierce, Smith, Tuma, Vaughn and White. Motion carried unanimously.

K. 2010 JAG Application Approval

Jennifer Kirkpatrick reported that the Federal JAG Application process requires the application to come before a governing body for review, which is met by approval from this Board. The Commerce, Justice and Science and Related Agencies (CJS) bill showed a 12% increase over FY09. Kirkpatrick reported that the Byrne/JAG program is shown for \$519 million; with \$8 million taken off the top for carve out programs, leaving \$511 million for distribution. The positive news is that this is only a \$1 million decrease from the amount appropriated in FY09. At this time, Nebraska has not received an estimated amount that we will be able to apply for, but with this information, it is anticipated the funds may be slightly less than received in FY09. This is very promising as Nebraska will not experience another large reduction in these funds as experienced in FY08.

Kirkpatrick reported that the only change we are aware of at this time is the percentage of pass through to local and state programs will be changed from 62.12% to 60.84%. This is decided by the federal office and is a program requirement.

Motion

A motion was made by Overman and seconded by Bogner to approve the 2010 Edward Byrne Law Enforcement Memorial Justice Assistance Block Grant Application. Voting in favor of the motion: Batton, Bogner, Brueggemann, Hayes, Houston, Lacey, Moore, Overman, Pierce, Smith, Tuma, Vaughn and White. Motion carried unanimously.

L. Update on JAG Strategic Planning Process

Kirkpatrick stated that at the last meeting, she shared that they were taking steps in requesting technical assistance (TA) for strategic planning in the use of JAG funds. In September, the National Criminal Justice Association (NCJA) was awarded a TA grant to assist states with strategic planning. This process will look at all the purpose areas of JAG, which include the following:

1. Law Enforcement Programs
2. Prosecution and court programs
3. Prevention and education programs
4. Corrections and community corrections programs
5. Drug treatment and enforcement programs
6. Planning, evaluation and technology improvement programs

7. Crime victim and witness programs (no compensation)

Kirkpatrick stated that she was hoping to work more face-to-face with NCJA at the conference held at the beginning of December 2009, but due to bad weather, she was unable to attend the conference. As a result, she has worked with NCJA and submitted a request for TA at the end of December 2009.

She went on to say that the main focus of the TA request is to review and evaluate the multijurisdictional task forces, clear priorities for the state and local funds, sustainability of grant funded programs, education and public awareness and ARRA strategy.

She stated they are awaiting word back from NCJA on how they will proceed; however, the overall goal still remains to look at JAG funds and see if they can be utilized in other purpose areas, and ensure that we are funding the priorities.

VII. OTHER BUSINESS

- A. Bill Brueggemann informed the Board that he heard there might be some federal mandates from FEMA that would possibly require a two week mandatory hazardous materials training for all sworn officers. He was wondering if this comes to pass, if the Training Center would be willing to aid in providing this training.

Bill Muldoon said they would be willing to help in any way they can should these mandates come to pass.

VIII. ADJOURNMENT

The next scheduled meeting of the Commission will be **Friday, May 7, 2010 at 9:30 AM in the Nebraska State Office Building, Lower Level Conference Room A, Lincoln, Nebraska.**

There being no further business, the meeting adjourned at 10:38 AM.

Respectfully Submitted,



Sarah J. Schoen
Administrative Assistant